

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ikunoshia KATO et al  
 Application No.: 09/937,375  
 Filed: September 24, 2001  
 For: GENE THERAPEUTICS



THE COMMISSIONER OF PATENTS  
 U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop AF  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] REPLY: AMENDMENT AND REMARKS in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[ ] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 3	MINUS	** 20	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
	\$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
 Response Filed Within  
 [ ] First - \$ 60.00  
 [ ] Second - \$ 225.00  
 [ ] Third - \$ 510.00  
 [ ] Fourth - \$ 795.00  
 Month After Time Period Set

Other Than Small Entity  
 Response Filed Within  
 [ ] First - \$ 120.00  
 [ ] Second - \$ 450.00  
 [ ] Third - \$ 1020.00  
 [ ] Fourth - \$ 1590.00  
 Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .

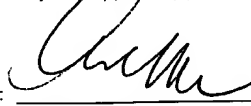
[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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Art Unit: 1635  
 Examiner: J. Angell  
 Washington, D.C.  
 Atty.'s Docket: KATO=18  
 Date: February 25, 2005  
Confirmation No. 8012

Corres. and Mail  
**BOX AF**

**RESPONSE UNDER 37 CFR 1.110  
 EXPEDITED PROCEDURE  
 EXAMINING GROUP**

**1635**

*Isu/ AF*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KATO=18

In re Application of:	)	Art Unit: 1635
	)	
Ikunoshin KATO et al	)	Examiner: J. E. Angell
	)	
I.A. Appln. PCT/JP00/01533	)	Washington, D.C.
I.A. Filing Date: 3/14/2000	)	
	)	
U.S. Appln. No. 09/937,375	)	Confirmation No. 8012
Nationalized: 9/24/2001	)	
	)	
For: GENE THERAPEUTICS	)	February 25, 2005

**REPLY: AMENDMENT AND REMARKS**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Replying to the Office Action mailed December 1,  
2004, please amend as follows:

**Amendments to the Claims** are reflected in the listing of  
claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.